

GLEN DAVIS (AMENDMENT) ACT.

Act No. 20, 1943.

An Act to make provision for the modification of certain special conditions affecting land sold or offered for sale under the Glen Davis Act, 1939; for this purpose to amend the said Act in certain respects; and for purposes connected therewith. [Assented to, 5th July, 1943.]

George VI.
No. 20, 1943.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Glen Davis (Amendment) Act, 1943."

Short title
and citation.

(2) The Glen Davis Act, 1939, as amended by this Act, may be cited as the Glen Davis Act, 1939-1943.

2. The Glen Davis Act, 1939, is amended—

Amendment
of Act No.
38, 1939.

(a) by inserting next after section seventeen the following new section:—

New
sec. 17A.

17A. (1) (a) Where any land has been sold under this Part upon terms and conditions which include a special condition in or to the effect of the form set out in the Fifth Schedule to this Act the Minister may, by instrument under his official seal, modify that special condition by permitting the use of any other material or materials in addition to or in lieu of the materials specified in that special condition.

Modification
of certain
special
conditions.

(b) The power conferred by paragraph (a) of this subsection may be exercised in respect of land so sold, either before or after the issue of a Crown grant of such land.

(c)

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(c) A special condition binding any land shall not be modified under this subsection except with the consent of the owner of the land.

(d) The instrument of modification shall be in or to the effect of the prescribed form.

(e) Where a special condition binding any land is modified under this subsection either before or after the issue of the Crown grant of such land the provisions of subsection four of section seventeen of this Act shall apply to and in respect of the special condition as so modified.

(f) Where a special condition binding on any land is modified under this section after a Crown grant of such land has been issued, the Registrar-General may make every such entry, cancellation and correction in the register book as shall appear to the Registrar-General to be necessary or proper to give effect to the instrument by which such special condition is modified.

(2) Where any land has been offered for sale under this Part upon terms and conditions which include a special condition in or to the effect of the form set out in the Fifth Schedule to this Act and has not been sold, or where the contract for sale of any land sold under this Part has been rescinded or the Crown grant of any land so sold has been forfeited the Minister may upon any sale or resale of such land include in the terms and conditions a special condition being the aforesaid special condition modified in the way referred to in paragraph (a) of subsection one of this section.

(3) Where any land has been sold under this Part upon terms and conditions which include special conditions to the effect that—

- (a) the land shall not be used for any purpose other than the purpose of a shop or the purpose of a shop and residence

residence or the purpose of a shop and business offices or the purpose of a shop and residence and business offices; and

- (b) the purchaser shall, within a period of twelve months from the date of sale, commence the erection and construction of a building appropriate to the purpose or one of the purposes for which the land may be used, and shall thereafter proceed with such erection and construction so that such building shall be completed within a period of eighteen months from the date of sale,

the power conferred by section twenty-two of this Act shall, with respect to land sold subject to the special condition referred to in paragraph (a) of this subsection, extend to authorise the Minister to vary the special condition referred to in paragraph (b) of this subsection so as—

- (i) to permit of an extension of the time for commencing the erection and construction of a specified part of the building, and of the time within which the same is to be completed; and

- (ii) to provide for the commencement of the erection and construction of the remainder of the building, and for the completion of such remainder within a time or times to be determined in such manner as may be specified in the instrument of variation; and the determination of such time or times may, if the Minister thinks fit, be made by reference to the date of the termination of any war in which His Majesty is engaged at the commencement of the Glen Davis (Amendment) Act, 1943.

This subsection shall not be construed as affecting the construction of section twenty-two of this Act in its application to and in respect of any special condition other than special conditions of the nature referred to in this subsection.

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(4) Where any land has been offered for sale under this Part upon terms and conditions which include special conditions of the nature referred to in subsection three of this section, and has not been sold, or where the contract for sale of any land sold under this Part has been rescinded, or where the Crown grant of any land sold has been forfeited, the Minister may upon any sale or resale of such land include in the terms and conditions a special condition, being the special condition referred to in paragraph (b) of subsection three of this section varied in the manner and to the extent referred to in that subsection.

New Fifth
Schedule.

(b) by inserting next after the Fourth Schedule the following new Schedule:—

FIFTH SCHEDULE.

Special Condition.

The outer part of the external walls of any main building shall be constructed of brick, stone and/or concrete and of no other material or materials whatsoever—and each building shall cost and be of a value of four hundred and fifty pounds (£450) at the least.
